

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SLB INSURANCE INC.,
CHARLENE LEETS BAKER,
and KIRISTIE BERRY,

Plaintiffs,

v.

BROWN & BROWN INC. and,
SUSAN HEATH,

Defendants.

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CIVIL ACTION NO. 06-4189

MEMORANDUM

BUCKWALTER, S.J.

April 10, 2008

Plaintiffs seek to amend the judgment entered by this court on March 6, 2008, claiming that the court failed to resolve plaintiffs' fraudulent and misrepresentation claims "for which SLB and Baker presented compelling evidence."

Specifically in the brief in support of their argument to amend the judgment, plaintiffs allege three misrepresentations that the court apparently overlooked (See brief, pp. 5-6).

Unfortunately for plaintiffs, their argument fails. The court in its findings found that the meeting of November 18, 2005 took place but did not and does not accept Baker's version of what transpired at that meeting. Findings 51, 52, 53 and 54 discuss what happened and what did not happen at Baker's meeting with Heath. Only Ionescu said it was Brown's plan to terminate Kravitz and hire Baker. Heath did not. Heath did not talk to Baker about becoming a state administrator at the November meeting (Day 1, p. 151; lines 7-10).

Specific Finding Nos. 76 and 78 directly contradict plaintiffs' claims about misrepresentations at the November 18, 2006 meeting.

As to the second alleged misrepresentation, Finding 78 describes what took place in May of 2006. Finding 89 also belies plaintiffs' contention as to misrepresentation of facts.

With regard to the third issue, Finding of Fact No. 94 addresses plaintiffs' complaint. The efforts on the part of employees of Brown & Brown were in response to Baker's request relative to BOR's and, under all the circumstances, were not inappropriate in that, among other things, Baker had signed a contract to become an additional state administrator (Finding No. 88).

In summary, the court carefully considered all of plaintiffs' claims and finds no reason to amend its order of March 6, 2008.

An order follows.

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ORDER

AND NOW, this 10th day of April, 2008, upon consideration of Plaintiffs SLB Insurance, Inc. and Charlene Leets Baker's Motion to Amend Judgment, and Defendant Brown & Brown, Inc.'s Response thereto, it is hereby **ORDERED** that Plaintiffs' Motion (Docket No. 57) is **DENIED**.

BY THE COURT:

s/Ronald L. Buckwalter

RONALD L. BUCKWALTER, S.J.